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Fifty-seventh session
Sixth Committee

Letter dated 26 July 2002 from the President of the United Nations Administrative Tribunal to the Chairman of the Sixth Committee

We the members of the United Nations Administrative Tribunal believe it is appropriate that we should inform you as to our reaction to General Assembly resolution 56/272 of 27 March 2002, whereby our honoraria were reduced to the sum of US$ 1.00 per annum.

We do not wish to be legalistic concerning what has occurred, but it should be evident that there is a fundamental unfairness in the General Assembly unilaterally denying to us the benefits to which we are entitled and which we reasonably expected to receive when appointed to the Administrative Tribunal.

Prior to the passing of the said resolution, the members of the Tribunal had received by way of remuneration a very modest honorarium which has now been reduced to this nominal amount. The matter came before the General Assembly by way of a note by the Secretariat on the comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations recommending sanction for a relatively modest increase in the honoraria by 25 per cent (see A/56/311). The honoraria had been fixed in 1981, pursuant to General Assembly resolution 35/218 of 17 December 1980, with effect from 1 January 1981, and had remained at that level ever since.

While of course we appreciate that economies must be made within the United Nations when circumstances so require, and of course accept that financial management of the Organization is to be determined by the General Assembly, we are very disappointed that in this instance the target selected to suffer the cuts was so narrowly focused rather than spread across a much wider front. Furthermore we consider that the selection of persons who can by and large be seen as rendering their services and giving of their time and expertise on a largely voluntary basis is difficult to justify. The other bodies targeted for those cuts are the International Law Commission, the International Narcotics Control Board, the Human Rights Committee, the Committee on the Discrimination against Women and Committee on the Rights of the Child, whose members likewise render their services in return for daily subsistence allowance together with honoraria in equally modest amounts. However, it should be pointed out in this regard that the United Nations Administrative Tribunal is the only Tribunal within the United Nations system

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which relies solely on honoraria to remunerate its members, unlike the International Labour Organization Tribunal and the World Bank Tribunal, whose members are adequately remunerated for doing similar work. We would further point out that the persons targeted can be seen as most vulnerable as they do not enjoy many of the protections or safeguards enjoyed by staff members and their positions are such as make it inappropriate to protest or seek recourse in ways open to other persons.

We accordingly urge the General Assembly to rescind the resolution referred to above and to at least restore to us our entitlements retrospectively. Seeing that it was so long ago that the amounts were fixed, we would urge that the Secretary-General's proposal for a 25 per cent increase in the amounts should be favourably considered.

(*Signed*) Mayer **Gabay**

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Letter dated 13 August 2002 from the Chairman of the International Law Commission to the Chairman of the Sixth Committee

I write to you in my capacity as Chairman of the International Law Commission.

I would like to express my surprise at the General Assembly resolution which reduced the long-established honoraria payable to members of the Commission and members of other bodies. The long-established honoraria were still applicable last November when the members were elected to the Commission and consequently a legitimate expectation as part of the conditions which a member of the Commission could in all fairness anticipate.

Moreover, I have been requested by the International Law Commission to bring to your attention the following text:

> "The Commission noted that, after the date on which members were appointed to their position, the General Assembly adopted resolution A/56/272, which reduced the honoraria payable to them and to members of certain other bodies.
>
> "The Commission draws attention to the point made in the report of the Secretary-General (A/53/643) that the level of the honoraria had not been reviewed since 1981 and that the decision of the General Assembly was taken in direct contradiction to the conclusions and recommendations in that report to the effect that the honoraria should be reviewed.
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> "The Commission notes that the decision by the General Assembly was taken without consultation with the Commission and considers that the decision is not consistent in procedure or substance with either the principles of fairness on which the United Nations conducts its affairs or with the spirit of service with which members of the Commission contribute their time and approach their work.
>
> "Moreover, the Commission feels compelled to stress that the above resolution especially affects Special Rapporteurs, in particular those from developing countries, as it compromises the support for their research work.

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"The Commission decided to bring its concerns to the attention of Members States in the hope that the above-mentioned resolution will be duly reconsidered.

"The members of the Commission, concerned about the administrative costs involved in the payment of the current symbolic honoraria, also decided that they would not collect it."

(*Signed*) Robert **Rosenstock**